

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

OSCAR GARCIA-VARELA

PETITIONER

V.

CIVIL ACTION NO.: 3:24-cv-134-HTW-LGI

SHANNON D. WITHERS, WARDEN

RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

BEFORE THIS COURT is the Report and Recommendation of United States Magistrate Judge LaKeysha Greer Isaac [**Docket No. 8**]. In her Report and Recommendation filed August 30, 2024, Magistrate Judge Isaac recommended Petitioner's, Oscar Garcia-Varela ("Garcia-Varela"), 28 U.S.C. § 2241 writ of habeas corpus petition be dismissed for failure to exhaust administrative remedies. Magistrate Judge Isaac directed Garcia-Varela to file any written objections within fourteen (14) days. To date, no objection has been filed.

Based on the findings contained in the Report and Recommendation [**Docket No. 8**], this Court agrees with the Magistrate Judge that Garcia-Varela failed to exhaust his administrative remedies.

This Order commensurately hereby **ADOPTS** the Report and Recommendation of the Magistrate Judge as the Order of this Court, and hereby **DISMISSES** the instant petition **WITHOUT PREJUDICE.**¹

SO ORDERED this the 6th day of November 2024.

/s/HENRY T. WINGATE
UNITED STATES DISTRICT COURT JUDGE

¹ A certificate of appealability is not required for a federal inmate to appeal the denial of relief under 28 U.S.C. § 2241. See *Padilla v. United States*, 416 F.3d 424, 425 (5th Cir. 2005).